

**SUPREME COURT MINUTES
WEDNESDAY, JULY 15, 2009
SAN FRANCISCO, CALIFORNIA**

S115559**MORRISON (JESSE) ON H.C.**

Order to show cause issued, returnable in Superior Court (Atkins claim)

The Director of the Department of Corrections and Rehabilitation is ordered to show cause in the Los Angeles County Superior Court, when the matter is placed on calendar, why petitioner's death sentence should not be vacated and petitioner sentenced to life imprisonment without the possibility of parole on the ground that he is mentally retarded within the meaning of *Atkins v. Virginia* (2002) 536 U.S. 304, as alleged in claim X of the petition for writ of habeas corpus filed May 2, 2003. (See *In re Hawthorne* (2005) 35 Cal.4th 40.) The return is to be filed on or before August 14, 2009.

Claim V is denied as premature, without prejudice to renewal after an execution date is set.

Except for claims V and X, all other claims set forth in the petition for writ of habeas corpus are denied on the merits.

George, C. J., was absent and did not participate.

Votes: Baxter, A. C. J., Kennard, Werdegard, Chin, Moreno, and Corrigan, JJ.

S172877

B214984 Second Appellate District, Div. 4

**JOSHUA (LAQUISE) v. S.C.
(LOS ANGELES POLICE
DEPARTMENT)**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Four, with directions to issue an alternative writ

The matter is transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its order denying the petition for writ of mandate and to issue an alternative writ to be heard before that court when the proceeding is ordered on calendar.

George, C. J., was absent and did not participate.

Votes: Kennard, A. C. J., Chin, Moreno, and Corrigan, JJ.

S172172

B209843 Second Appellate District, Div. 3

**K.J. v. ARCADIA UNIFIED
SCHOOL DISTRICT**

Petition for review & depublication request(s) denied

Kennard, J., is of the opinion the petition should be granted.

George, C. J., was absent and did not participate.

S172173 B207663 Second Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. SOLIZ (PAUL RICHARD)

S172501 A124563 First Appellate District, Div. 4

Petition for review denied

George, C. J., was absent and did not participate.

FOWLIE (BRIAN) ON H.C.

S172562 C058061 Third Appellate District

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

George, C. J., was absent and did not participate.

PEOPLE v. UECKER (DANNY GREG)

S172621 C057018 Third Appellate District

Petition for review & depublication request(s) denied

Kennard and Werdegarr, JJ., are of the opinion the petition should be granted.

George, C. J., was absent and did not participate.

**CALIFORNIA NATIVE
PLANT SOCIETY v. CITY OF
RANCHO CORDOVA/
(JAEGER ROAD 530, LLC)**

S172669 H032003 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. LOPEZ (JAMES ADOLPH)

S172683 B215485 Second Appellate District, Div. 7

Petition for review denied

George, C. J., was absent and did not participate.

**MARTINEZ (BRENDA) ON
H.C.**

S172697 D052345 Fourth Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. GRIFFIN (DAVID AMORY)

S172699 B201556 Second Appellate District, Div. 5

Petition for review denied
George, C. J., was absent and did not participate.

**FIFTH DAY, LLC v.
BOLOTIN (JAMES P.)**

S172731 F053074 Fifth Appellate District

Petition for review & publication request(s) denied
George, C. J., was absent and did not participate.

**PEOPLE v. ARZATE (DAVID
VALENZUELA)**

S172783 B196078 Second Appellate District, Div. 4

Petition for review denied
George, C. J., was absent and did not participate.

**RICH (HEATHER) v. KOI
RESTAURANT**

S172785 F054815 Fifth Appellate District

Petition for review denied
The request for judicial notice is granted.
George, C. J., was absent and did not participate.

**CANEZ (LAWRENCE) ON
H.C.**

S172797 C053372 Third Appellate District

Petitions for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. OLAGUE (JAMES
JOSEPH)**

S172813 C061658 Third Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**CLUTCHETTE (JOHN) ON
H.C.**

S172823 D054349 Fourth Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

**MIZICKO (JOHN MICHAEL)
ON H.C.**

S172828 B215762 Second Appellate District, Div. 6
Petition for review denied
George, C. J., was absent and did not participate.

SIMPSON (DONALD) ON H.C.

S172867 B205497 Second Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. WHITAKER
(VERNON)**

S172889 B208481 Second Appellate District, Div. 6

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. BINGAMAN
(RONALD ALLEN)**

S172891 B205410 Second Appellate District, Div. 3
Petition for review denied
George, C. J., was absent and did not participate.

MASONER (JAMES) ON H.C.

S172894 E045828 Fourth Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. CARTER (AARON
DARNELL)**

S172897 G041455 Fourth Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. BROTONS
(GABRIEL MIGUEL)**

S172907 C055282 Third Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. SIORDIA
(FREDDY)**

S172925 B201290 Second Appellate District, Div. 2

Petitions for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. NAVARRO
(GUILLERMO)**

S172926 D052530 Fourth Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. LEAGUE
(MAURICE PHILLIP)**

S172963 D052994 Fourth Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

H. (ISRAEL), IN RE

S172969 A118999 First Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. LEVEY (DAVID
MARK)**

S172982 B207809 Second Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. RIVERA (JOSE
A.)**

S172983 E046107 Fourth Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. CERVANTES
(MARCO ANTONIO)**

S172997

Petition for writ of review denied
George, C. J., was absent and did not participate.

**KERLAN (JASON M.) v.
STATE BAR OF
CALIFORNIA**

S172999 B210242 Second Appellate District, Div. 8

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. NORWOOD
(ANTUAN)**

S173011 H032245 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. LIVESAY (COBY
BIF)**

S173058 A120331 First Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. SMITH
(ANTHONY CRAIG)**

S173064 G039674 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. NAJERA (JORGE
ARMANDO)**

S173112 B215319 Second Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

T.W., IN RE

S173119 E044063 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. ALARCON
(LOUIS)**

S173146 A117925 First Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v.
PAPPADOPOULOS
(DEMETRI CHRIS)**

S173163 B203248 Second Appellate District, Div. 6

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. ZEPEDA
(GERMAN EDGARDO)**

S173213 B204334 Second Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**APARTMENT ASSOCIATION
OF LOS ANGELES COUNTY,
INC. v. CITY OF LOS
ANGELES**

S173219 D053046 Fourth Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. DAVIS
(CHRISTOPHER ANTHONY)**

S173270 B208423 Second Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

M.B., IN RE

S173283 B206472 Second Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. PACHECO
(FRANKIE)**

S173328

Petition for writ of mandate/prohibition denied
George, C. J., was absent and did not participate.

**F.W. v. S.C. (LOS ANGELES
COUNTY DEPARTMENT OF
CHILDREN & FAMILY
SERVICES)**

S173415 E048218 Fourth Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**AZZOLINI (DOMENICA LEE)
v. S.C. (PEOPLE)**

S173452 G039975 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. RUIZ (JAVIER CABRERA)

S173512 C058468 Third Appellate District

Petitions for review denied

George, C. J., was absent and did not participate.

PEOPLE v. MAMARIL (RUDY)

S173536 E046008 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. KILPATRICK (LARRY NEIL)

S173542 B206339 Second Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. DIAZ (JUAN CARLOS)

S173558 C056671 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. YEADON (DALE LEROY)

S173564 A122463 First Appellate District, Div. 4

Petition for review denied

George, C. J., was absent and did not participate.

KAST (JOHN) v. ANTONSSON (ANNA KARIN)

S173566 B206479 Second Appellate District, Div. 6

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. PEREZ (VICTOR)

S173581 B205506 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DEBOSE (ROY
DARCELL)**

S173582 C058453 Third Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. SMITH (DIANA
LYNN)**

S173584 B203367 Second Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. ORTEGA (NOE)

S173593 A122401 First Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

J.L., IN RE

S173595 G040361 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. PINTO (JESSE)

S173597 E046216 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DELCID (OTTO
ROLANDO)**

S173602 B213044 Second Appellate District, Div. 3

Petition for review & application for stay denied

Baxter, J., is of the opinion the petition should be granted.

George, C. J., was absent and did not participate.

**SAFECO INSURANCE
COMPANY OF AMERICA v.
S.C. (KARNAN)**

S173603 C058355 Third Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v.
PHETCHAMPHONE
(BOUAKHANAH BO)**

S173623 F055985 Fifth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. NICHOLS (ERIC
LAVALLE)**

S173625 G040178 Fourth Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. GOMEZ
(HILARIO CERRALDE)**

S173627 A120503 First Appellate District, Div. 5

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. AGER (ALAN
LAWRENCE)**

S173632 A120168 First Appellate District, Div. 5

Petition for review denied
George, C. J., was absent and did not participate.

**BARFIELD (LEE) v.
ECOLOGY CONTROL
INDUSTRIES, INC.**

S173640 B206622 Second Appellate District, Div. 6

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. ELIAS (RICARDO
FRANCISCO)**

S173641 E043705 Fourth Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

PEOPLE v. TRIVIZO (JESSE)

S173644 E048221 Fourth Appellate District, Div. 2

**MEADOR (WILLIAM
LANGSTON) v. S.C.
(PEOPLE)**

Petition for review denied

The petition for review and supplemental petition for review are denied.

George, C. J., was absent and did not participate.

S173645 B208160 Second Appellate District, Div. 4

**PEOPLE v. JAJA (OMINIBIE
RUBEN)**

Petition for review denied

George, C. J., was absent and did not participate.

S173654 A118799 First Appellate District, Div. 1

**PEOPLE v. DERESPINI
(PHILLIP JOSEPH)**

Petition for review denied

George, C. J., was absent and did not participate.

S173658 A119999 First Appellate District, Div. 2

**PEOPLE v. MURPHY
(DAVID)**

Petition for review denied

George, C. J., was absent and did not participate.

S173696 A122615 First Appellate District, Div. 4

**PEOPLE v. SWIFT (LESLIE
HOWARD)**

Petition for review denied

George, C. J., was absent and did not participate.

S173702 A118977 First Appellate District, Div. 3

**PEOPLE v. MCKINNON, JR.,
(LOREN MARK)**

Petition for review denied

George, C. J., was absent and did not participate.

S173706 F052642 Fifth Appellate District

**PEOPLE v. CASTANEDA
(VICTOR MANUEL)**

Petition for review denied

George, C. J., was absent and did not participate.

S173709 F055235 Fifth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.
Baxter, J., was recused and did not participate.

**SMITH III (ROBERT P.) v.
DEPARTMENT OF
CORRECTIONS &
REHABILITATION**

S173723 H033829 Sixth Appellate District

Petition for review denied
George, C. J., was absent and did not participate.

**V.M. v. S.C. (SANTA CRUZ
COUNTY HUMAN
RESOURCES AGENCY)**

S173726 A118935 First Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v.
MLODZIANOWSKI (JOHN
ANDREW)**

S173727 D052214 Fourth Appellate District, Div. 1

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. SHEPHARD
(MICHAEL ANTHONY)**

S173728 B216076 Second Appellate District, Div. 2

Petition for review denied
George, C. J., was absent and did not participate.

**DEMILLE (MICHAEL) v. S.C.
(CITIZENS BUSINESS BANK)**

S173731 G040118 Fourth Appellate District, Div. 3

Petition for review denied
George, C. J., was absent and did not participate.

**PEOPLE v. ARREGUIN
(RALPH)**

S173733 E045391 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. GREEN
(LASHAWN LOUIS)**

S173734 G040022 Fourth Appellate District, Div. 3

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. DORIEN (DAVID
BRADLEY)**

S173735 H033686 Sixth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. RAMIREZ (JOSE
LUIS)**

S173736 E044967 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PEOPLE v. TERRY (EDDIE
GENE)**

S173744 B208419 Second Appellate District, Div. 5

Petition for review denied

George, C. J., was absent and did not participate.

PEOPLE v. TOR (THEANY)

S173751 G042061 Fourth Appellate District, Div. 3

Petition for review & application for stay denied

Baxter, J., is of the opinion the petition should be granted.

George, C. J., was absent and did not participate.

**MILLER (MICHAEL DAVID)
ON H.C.**

S173761 B204845 Second Appellate District, Div. 1

Petition for review denied

George, C. J., was absent and did not participate.

**REDMOND (JOHN) v.
HARRIS (MABLE)/(SMITH)**

S173802 F056505 Fifth Appellate District

Petition for review denied

George, C. J., was absent and did not participate.

S173835

Petition for review denied

George, C. J., was absent and did not participate.

S173858

Petition for writ of mandate/prohibition denied

George, C. J., was absent and did not participate.

S173902 C056083 Third Appellate District

Petition for writ of mandate/prohibition denied

George, C. J., was absent and did not participate.

S173912

Petition for writ of mandate/prohibition denied

George, C. J., was absent and did not participate.

S174488 E048624 Fourth Appellate District, Div. 2

Petition for review denied

George, C. J., was absent and did not participate.

**PHILLIPS (RICHARD LOUIS
ARNOLD) v. S.C. (PEOPLE)**

**JENSEN (JEFFREY) v.
ESCALANTE (NANCY)**

**NGUYEN (HUNG) v. S.C.
(PEOPLE)**

**GRAY (DAVID) v. COURT OF
APPEAL, THIRD
APPELLATE DISTRICT
(PEOPLE)**

**PORTILLO (EDWARD) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION SEVEN
(PEOPLE)**

**ASBERRY (AMY) v. S.C.
(NAVARRO, M.D.)**

S168166**RODRIGUEZ (SALVADOR
A.) ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

George, C. J., was absent and did not participate.

S169570**WAGNER, JR., (DAVID
JOHN) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S169584**ALCALA (SALVADOR) ON
H.C.**The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

S169587**POOLE (CHESTER CARLOS)
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

George, C. J., was absent and did not participate.

S169651**MARVIN (JAMES) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S169728**HARRISON (WENDELL) ON
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S169871**FIGUEROA (RAFAEL) ON
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S169872

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

HOZE (JOHNNIE) ON H.C.**S169875**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**WILLIAMS (BERNELL) ON
H.C.****S170031**

The petition for writ of habeas corpus is denied. (See *In re Dixon* (1953) 41 Cal.2d 756.)
George, C. J., was absent and did not participate.

**FREEMAN (MARILYN
KAYE) ON H.C.****S170114**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**BOWELL (JAMES EDWARD)
ON H.C.****S170127**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**MARTIN (SCOTTIE RAY) ON
H.C.****S170150**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**POSLOF, SR., (LONNIE LEE)
ON H.C.****S170187**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

FUQUA (KEVIN L.) ON H.C.

S170195**WALKER (STEVEN ERIC)
ON H.C.**

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
George, C. J., was absent and did not participate.

S170212**MYERS (TERRY) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170226**WOODS (WENDELL) ON
H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170227**HESS, JR., (LEROY) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170276**OBERPRILLER (WILLIAM)
ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170277**HERNANDEZ (ANTHONY
PEREZ) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170284**KEEM (SUNNY B.) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170287**MCDONALD (TONY) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170291**FREDERICK (RICKY) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

George, C. J., was absent and did not participate.

S170292**TO (WAYLAND) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170302**ESPARZA (DANIEL) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170319**TURNER (ISHMAEL ZAKAT)
ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170320**NEVAREZ (ARTHUR) ON
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170332**THOMAS (CRAIG ARNOLD)
ON H.C.**

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

S170356**WOODARD (VICTOR) ON
H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170358**TAYLOR (MARK JAMES) ON
H.C.**

Petition for writ of habeas corpus denied
(See *In re Dexter* (1979) 25 Cal.3d 921.)
George, C. J., was absent and did not participate.

S170361**MENDOZA (LENNARD) ON
H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170369**COREAS (GERMAN Y.) ON
H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170394**BALZARINI (ST. MICHAEL
DOC) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)
George, C. J., was absent and did not participate.

S170414**CABALES (JOHN) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170416**MUHAMMAD (SHAKA
SENEGAL) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170418**HINSLEY (BENNIE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304.)
George, C. J., was absent and did not participate.

S170419**CABRERA (EDDIE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

S170426**HOLLOWAY (WILLIE) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170469**OLIVER (TRAMEL J.) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170470**ROCCO (ZEFF GOTTI) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170505**MORA (UVALDO) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170516**BENNET (RICHARD JAMES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C. J., was absent and did not participate.

S170521**BERRYMAN (WARREN LAMAR) ON H.C.**

Petition for writ of habeas corpus denied

George, C. J., was absent and did not participate.

S170530

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

PEREZ (GERARDO) ON H.C.**S170536**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**REYES, JR., (ANCIETO
ROBERT) ON H.C.****S170542**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**JACKSON (DAMOND) ON
H.C.****S170543**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Clark (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

**HARRISON (ALPHONZO
VALDEZ) ON H.C.****S170563**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

GARCIA (JAMES) ON H.C.**S170566**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)
George, C. J., was absent and did not participate.

POLK (MICHAEL E.) ON H.C.**S170580**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**FERNANDEZ (MARTIN) ON
H.C.**

S170586

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

MILLSAP (PAUL S.) ON H.C.**S170604**

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
George, C. J., was absent and did not participate.

REED (DONALD) ON H.C.**S170631**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**MILLER (NORRIS DAJON)
ON H.C.****S170639**

Petition for writ of habeas corpus denied
(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

SCOTT (LIONEL) ON H.C.**S170644**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)
George, C. J., was absent and did not participate.

**MARTINEZ (BISMARCK) ON
H.C.****S170689**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**JEFFERSON (KEVIN) ON
H.C.****S170695**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

**CORTEMANCHE
(CHARLES) ON H.C.**

S170701**HORN (ANTHONY K.) ON
H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S170706**ADAMS, SR., (JIMMIE LEE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
George, C. J., was absent and did not participate.

S172521**ADAMS, SR., (JIMMIE LEE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)
George, C. J., was absent and did not participate.

S172864**BALZARINI (ST. MICHAEL
DOC) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)
George, C. J., was absent and did not participate.

S173259**WOOLRIDGE (JOSHUA
TODD) ON H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S173760**MCCRAY (KIMOTHY R.) ON
H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S173871**PARVIN (JOHN ALAN) ON
H.C.**

Petition for writ of habeas corpus denied
George, C. J., was absent and did not participate.

S173958**POMBRIO (SCOTT E.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

S174059**SMITH (SIMON P.) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C. J., was absent and did not participate.

S174224**MATTHEWS (VANNIL MARTINAL) ON H.C.**

Petition for writ of habeas corpus denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Dexter* (1979) 25 Cal.3d 921.)

George, C. J., was absent and did not participate.

S173224

B203997 Second Appellate District, Div. 2

NAVARRETTE (ROBERTO) v. ARMITE LABORATORIES, INC.

Publication request denied (case closed)

George, C. J., was absent and did not participate.

S173275

B208675 Second Appellate District, Div. 7

C.C., IN RE

Depublication request denied (case closed)

George, C. J., was absent and did not participate.

S173636

B207928 Second Appellate District, Div. 3

W. (TIFFANY), IN RE

Publication request denied (case closed)

George, C. J., was absent and did not participate.

S173639

B210409 Second Appellate District, Div. 3

W. (TIFFANY), IN RE

Publication request denied (case closed)

George, C. J., was absent and did not participate.

S065575**CHAMPION (STEVE ALLEN)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Steven E. Mercer's representation that he anticipates filing the exceptions to the referee's report and briefing on the merits to the petition for writ of habeas corpus by September 8, 2009, counsel's request for an extension of time in which to file that document is granted to September 8, 2009. After that date, no further extension is contemplated.

S086269**PEOPLE v. JACKSON
(JONATHAN KEITH)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Adrienne S. Denault's representation that she anticipates filing the respondent's brief by November 20, 2009, counsel's request for an extension of time in which to file that brief is granted to September 18, 2009. After that date, only one further extension totaling 60 additional days is contemplated.

S089609**PEOPLE v. DELGADO
(ANTHONY GILBERT)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to September 11, 2009.

S122123**PEOPLE v. RODRIGUEZ
(ANGELINA)**

Extension of time granted

Good cause appearing, and based upon counsel Karen Kelly's representation that she anticipates filing the appellant's opening brief by June 11, 2010, counsel's request for an extension of time in which to file that brief is granted to September 18, 2009. After that date, only five further extensions totaling about 270 additional days are contemplated.

S075727**PEOPLE v. JOHNSON
(CEDRIC JEROME)**

Motion for access to sealed record granted

Cedric Jerome Johnson's Motion to Unseal Marsden Transcripts, filed on May 14, 2009, and Second Motion to Unseal Marsden Transcripts, filed on June 22, 2009, are granted.

The clerk is directed to unseal the following portions of the reporter's transcript: Volume 3-B, pages 611-619 and 740-745; Volume 5-B, starting at line 17 on page 1047 through page 1050, and pages 1053-1071; Volume 6-B, pages 1345-1349; Volume 7-B, pages 1591-1593; Volume 8-

B, pages 1834-1836 and starting at line 21 on page 1931 through page 1933; and Volume 9-B, pages 2061-2071. The clerk is directed to make the unsealed copies part of the public record for this appeal, and send copies to counsel for respondent.

Respondent's Application for Copies of Sealed Transcripts, filed on April 28, 2009, is denied as moot.

George, C. J., was absent and did not participate.

S156933**J. (E.) ON H.C.**

Request for judicial notice denied

Amicus curiae Gary Steven Bowman's requests for judicial notice and for judicial review of the facts are denied. (Evid. Code, § 450 et. seq.)

Amicus curiae's motion for oral argument is also denied. (Cal. Rules of Ct., rule 8.524(g).)

George, C. J., was absent and did not participate.

S173383

B207196 Second Appellate District, Div. 4

**TRAILBLAZER
TECHNOLOGIES, INC. v.
PEOPLESUPPORT
RAPIDTEXT, INC.**

Order filed

The order filed on July 14, 2009, denying the petition for review, is amended to reflect the title above.

S084292**ROGERS (DAVID KEITH) ON
H.C.**

Referee appointed

THE COURT:

Based on the record in this matter and good cause appearing:

The Honorable Louis P. Etcheverry, Judge of the Superior Court of California, County of Kern, is appointed to serve as a referee in this proceeding. He will take evidence and make findings of fact on the following questions regarding the case of *People v. David Keith Rogers* (Kern County Superior Court No. 33477, Judge Gerald K. Davis):

1. Did Tambri Butler testify falsely (either inadvertently or otherwise) at the penalty phase of petitioner's trial regarding the identity of the person who assaulted her in January or February 1986?
2. Did Tambri Butler testify falsely at the penalty phase of petitioner's trial regarding any other matter, including:
 - 1) whether she had seen petitioner on television before she identified him as her attacker; and
 - 2) whether she had been promised leniency for her testimony and/or was aware that she would be released early after she testified?

3. Is there newly discovered, credible evidence indicating that petitioner did not assault Tambri Butler in 1986, including evidence that another person committed the assault? If so, what is that evidence?
4. What information did law enforcement agencies involved in petitioner's prosecution possess before, during and after petitioner's trial regarding Michael Ratzlaff's attacks on prostitutes other than Tambri Butler? When did law enforcement come into possession of the information? Were the individual law enforcement officers who possessed the information involved in petitioner's prosecution? Was the prosecution in petitioner's case aware, or should it have been aware, of the information? Did the prosecution disclose such information to petitioner's defense counsel?
5. What crime was Tambri Butler serving time for at the time she testified at petitioner's trial? Did the prosecution disclose information about Tambri Butler's criminal history to the defense? If so, what information did it disclose?
6. Was Tambri Butler promised leniency in exchange for her testimony against petitioner? Did Tambri Butler request early release in exchange for her testimony? Was Tambri Butler aware at the time she testified that she would be released early in exchange for her testimony? Was Tambri Butler threatened by law enforcement agents or given false information about the killing of Tracie Clark before she testified? Was the prosecution aware, or should it have been aware, of any promises or threats made to Tambri Butler or Butler's request or expectation of early release? If so, did it disclose such information to the defense?
7. What actions did petitioner's trial counsel, Eugene Lorenz, take to investigate the 1986 assault on Tambri Butler, including:
 - 1) the identity of Butler's assailant;
 - 2) whether Butler had seen petitioner on television before she identified him;
 - 3) Butler's criminal history; and
 - 4) whether petitioner had been involved in any prior arrests of Butler before she identified him as her assailant? What were the results of that investigation? Was that investigation conducted in a manner to be expected of a reasonably competent attorney acting as a diligent advocate? If not, in what respects was it inadequate?
8. If trial counsel's investigation was inadequate, what additional evidence would an adequate investigation have disclosed? How credible was that evidence? What investigative steps would have led to that additional evidence?
9. After conducting an adequate investigation of the assault on Butler, would a reasonably competent attorney acting as a diligent advocate have introduced additional evidence regarding:
 - 1) the identity of Butler's assailant;
 - 2) whether Butler had seen petitioner on television before she identified him;
 - 3) Butler's criminal history; and
 - 4) whether petitioner had been involved in any prior arrests of Butler before she identified him as her assailant? What, if any, rebuttal evidence would have been available to the prosecution?
10. Did trial counsel have tactical or other reasons for failing to challenge the admissibility of Butler's testimony? If so, what were those reasons? After conducting an adequate

investigation into the 1986 assault, would reasonably competent counsel have moved to exclude Butler's testimony?

11. Did trial counsel have tactical or other reasons for failing to impeach or rebut Tambri Butler's testimony? If so, what was/were the reason(s)? What impeaching or rebuttal evidence was available to counsel upon reasonable investigation? Would a reasonably competent attorney acting as a diligent advocate have impeached or rebutted Butler's testimony? If so, in what manner?
12. Did trial counsel have tactical or other reasons for failing to present expert testimony on eyewitness identifications? If so, what was/were the reason(s)? Would a reasonably competent attorney acting as a diligent advocate have presented expert testimony on eyewitness identifications? What would such an expert witness have said?
13. Did trial counsel have tactical or other reasons for failing to request CALJIC No. 2.92? If so, what was/were the reason(s)? Would a reasonably competent attorney acting as a diligent advocate have requested CALJIC No. 2.92?
14. Did trial counsel have tactical or other reasons for failing to address Butler's testimony in closing argument at the penalty phase? If so, what was/were the reason(s)? Would a reasonably competent attorney acting as a diligent advocate have addressed Butler's testimony in closing argument at the penalty phase? If so, in what manner?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and the findings of fact made. All requests for discovery in this matter must be addressed to the referee.

S173859

**CONRAD (RONALD) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three

The above entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S173861

**SMITH, JR., (PAUL
LAMONT) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District.

S173900**HUDSON (MARCO) v. YATES
(JAMES A.)/(PEOPLE)**

Transferred to Court of Appeal, Fifth Appellate District

The above entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S173921**PEOPLE v. WASHINGTON,
JR., (DONALD)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District.

S174051**WASHINGTON (ROBERT N.)
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District.

S174066**PEOPLE v. LEMONS
(TERRELL D.)**

Transferred to Court of Appeal, Second Appellate District

The above entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S174317**PEOPLE v. BARTA
(RODOLFO)**

Transferred to Court of Appeal, First Appellate District

The above entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S173366**AHN, ACCUSATION OF**

Petition denied (accusation)

George, C. J., was absent and did not participate.

S173370

Petition denied (accusation)
George, C. J., was absent and did not participate.

**VALENCIA, ACCUSATION
OF****S173808**

Petition denied (accusation)
George, C. J., was absent and did not participate.

**MCGOWAN, ACCUSATION
OF****S173809**

Petition denied (accusation)
George, C. J., was absent and did not participate.

WANG, ACCUSATION OF**S173847**

Petition denied (accusation)
George, C. J., was absent and did not participate.

WYNN, ACCUSATION OF**S173851**

Petition denied (accusation)
George, C. J., was absent and did not participate.

RIDDELL, ACCUSATION OF

